

REMARKS

In the Final Office Action mailed on September 5, 2006, the Examiner rejected claims 1, 17 and 63 under 35 U.S.C. 112, second paragraph, as being indefinite; rejected claims 1-3, 7, 10-17, 21-25, 29, 32-39, 43-44 and 67-70 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent Publication No. 2001/0003184 to Ching et al. and U.S. Patent No. 5,982,363 to Naiff; rejected claims 6 and 28 under 35 U.S.C. 103(a) as being upatentable over Ching and Naiff in view of U.S. Patent No. 6,567,984 to Allport; rejected claims 8-9, 30-31 and 52 under 35 U.S.C. 103(a) as being unpatentable over Ching and Naiff in view of U.S. Patent Publication No. 2005/0267994 to Wong et al.; rejected claims 18-19 and 40-41 under 35 U.S.C. 103(a) as being unpatentable over Ching and Naiff in view of U.S. Patent No. 6,792,197 to Helmstetter; rejected claims 20 and 42 under 35 U.S.C. 103(a) as being unpatentable over Ching and Naiff in view of U.S. Patent Publication No. 2002/0170057 to Barrett et al.; rejected claim 50 under 35 U.S.C. 103(a) as being unpatentable over Ching and Allport; rejected claims 62-63 under 35 U.S.C. 103(a) as being unpatentable over Ching and Helmstetter; rejected claim 64 under 35 U.S.C. 103(a) as being unpatentable over Ching and Barrett; and rejected claims 45-47, 51, 54-61, 65 and 66 under 35 U.S.C. 102(e) as being anticipated by Ching.

In response, Applicant has amended claims 1, 17, 24 and 63. No new matter has been added.

In rejecting claims 1-3, 6-25, 28-44 and 67-70, the Examiner relies on, at a minimum, a combination of Ching and Naiff. This combination is improper because the proposed combination either destroys a reference results in an incomplete system that does not teach of suggest all of the claimed limitations.

To the best Applicant can understand the present rejection, the Examiner is possibly adding PC 20 from Naiff's Figure 1 to Ching's system shown in Figure 10C. What the Examiner fails to explain is how Naiff's PC 20 is connected into Ching's system. If Naiff's PC 20 is connected to Ching's Internet TV device 210, why would one of ordinary skill in the art want so much hardware in one system? This proposed system would have at least two tuners used for displaying information on television 212. *See* Ching, paragraph [0129] and Naiff, column 5, lines 49-53. In addition, this redundancy of circuits is one factor Naiff is trying to avoid. *See* Naiff, column 1, lines 46-49. Therefore, this proposed combination destroys a stated purpose of Naiff and is therefore improper.

If, on the other hand, the Examiner is replacing Ching's Internet TV device 210 with Naiff's PC 20, then this combination fails to teach all of the limitations of independent claims 1 and 23. Specifically, claim 1 recites "communicating a tune command to said television appliance from said internet appliance" and claim 23 recites "a tune command is communicated to said television appliance from said internet appliance ...". The proposed combination by the Examiner leaves only one device, Naiff's PC 20. There is therefore no way the proposed system can communicate a tune command between two separate devices as presently claimed.

With respect to claims 6, 28 and 50, the Examiner asserts that Allport teaches providing channel map information from a television appliance to an internet appliance and cites to col. 12, lines 9-43. Nowhere in this section of Allport does he refer to channel map information. Instead, he discusses information (such as biographies of the actors, information about upcoming episodes, historical facts about the show, etc)

embedded into the VBI lines of a video signal. This is not the same type of information as a channel map.

The Examiner has responded to this argument by apparently equating a “channel” to a web site. These are not the same. A channel is broadcast to multiple users. In some instances, it is broadcast to all users in a given region. A web site, in general, is unicast from the source site to the destination user upon request from the destination user. Thus, the Examiner is equating two things that are not equal. Therefore, the rejection is improper for the reasons previously stated.

With respect to claims 9 and 31, assuming one of ordinary skill in the art were motivated to combine the teachings of Ching and Wang, Wang still does not teach communicating channel map information between two different devices. The Examiner assumes that by placing a cable modem somewhere in the system of Ching it necessarily follows that the channel map information will be passed through it. This problem further demonstrates the mistake in the Examiner’s assertion that the “internet appliance” of Ching can encompass both elements 210 and 212 of Figure 10C. That is, if television 212 is already a part of the “internet appliance,” why does it have to use a modem to transmit the channel map information to itself?

With respect to claim 45, the Examiner asserts that Ching teaches all of the claimed limitations. The Examiner fails to show in Ching how a “tune command is communicated to said television appliance from said internet appliance to cause said television appliance to tune to said channel.” More specifically, claim 45 recites a television appliance separate from the internet appliance. The fact that they are separate is illustrated by the claim limitation of “communicat[ing]” this command from one device

to another. As stated before, Ching's Internet TV device 210 cannot both be a television appliance and an internet appliance as argued by the Examiner because it does not communicate a signal to itself.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees are due for this response. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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